

Senate Bill 315

By: Senators Balfour of the 9th, Thomas of the 54th, Mullis of the 53rd, Carter of the 13th, Hudgens of the 47th and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relative to health, so as to provide for direct billing of anatomic pathology services; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relative to health, is amended by adding a new Code section to the end of such article to read as follows:

"31-1-10.

(a) As used in this Code section, the term 'anatomic pathology services' means:

(1) Histopathology or surgical pathology meaning the gross and microscopic examination and histologic processing of organ tissue performed by a physician or under the supervision of a physician;

(2) Cytopathology meaning the examination of cells from fluids, aspirates, washings, brushings, or smears, including the Pap test examination, performed by a physician or under the supervision of a physician;

(3) Hematology meaning the microscopic evaluation of bone marrow aspirates and biopsies performed by a physician or under the supervision of a physician and peripheral blood smears when the attending or treating physician or technologist requests that a blood smear be reviewed by a pathologist;

(4) Subcellular pathology and molecular pathology; and

(5) Blood-banking services performed by pathologists.

(b) A clinical laboratory or physician located in this state or in another state providing anatomic pathology services for patients in this state shall present or cause to be presented a claim, bill, or demand for payment for such services only to one or more of the following:

1 (1) The patient directly;

2 (2) The responsible insurer or third-party payor;

3 (3) The hospital, public health clinic, or nonprofit health clinic ordering such services;

4 (4) The referring laboratory, other than a laboratory of a physician's office or group
5 practice; or

6 (5) The governmental agencies or their specified public or private agent, agency, or
7 organization on behalf of the recipient of the services.

8 (c) Except as provided under subsection (f) of this Code section, no licensed practitioner
9 in the state shall, directly or indirectly, charge, bill, or otherwise solicit payment for
10 anatomic pathology services unless such services were rendered by the licensed practitioner
11 or under the licensed practitioner's direct supervision in accordance with Section 353 of
12 the Public Health Service Act (42 U.S.C. Section 263a).

13 (d) No patient, insurer, third-party payor, hospital, public health clinic, or nonprofit health
14 clinic shall be required to reimburse any licensed practitioner for charges or claims
15 submitted in violation of this Code section.

16 (e) Nothing in this Code section shall be construed to mandate the assignment of benefits
17 for anatomic pathology services as defined in this Code section.

18 (f) The provisions of this Code section shall not prohibit billing of a referring laboratory,
19 other than a laboratory of a physician's office or group practice, for anatomic pathology
20 services in instances where a sample or samples must be sent to another specialist.

21 (g) The respective state licensing boards having jurisdiction over any practitioner who may
22 request or provide anatomic pathology services may revoke, suspend, or deny renewal of
23 the license of any practitioner who violates the provisions of this Code section."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.